THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10740 of 2006

26.06.2006

Between:

Smt.T.Bharatha Lakshmi, and others.

... Petitioners

AND

The Joint Collector, Ranga Reddy District, Office at Lakdikapool, Hyd., and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10740 of 2006

ORDER:

The petitioners filed the instant writ petition challenging the order of the first respondent in proceeding No.E1/1376/2006, dated 17.05.2006. Petitioners 2 and 3 along with their brother one Janardhana Rao allegedly purchased the land admeasuring Acs.1.37 guntas in survey No.7/2 situated at Khajaguda, Serilingampally Mandal, under registered sale deed, dated 17.09.1979, obtained bank loan and established poultry/dairy farm, which is assessed to property tax. The Mandal Revenue Officer (MRO) initiated action under the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and the A.P.Assigned Lands (Prohibition of Transfers) Rules, 1977 (the Rules, for brevity) and passed orders on 03.06.2002 for resumption of the land on the ground that petitioners purchased the assigned land in contravention of the provisions of the Act. They unsuccessfully filed an appeal before the Revenue Divisional Officer (RDO) as well as a revision before the Joint Collector. They, therefore, initially filed a writ petition being W.P.No.26260 of 2005, and this Court having noticed that notice was served to Janardhana Rao, who died by the time of disposal by the Joint Collector, thought it fit to remand the matter. Accordingly, by order, dated 13.03.2006, in W.P.No.26260 of 2005, this Court while setting aside the orders of the Revenue Divisional Officer, remanded the matter to the Joint Collector for a fresh enquiry after issuing notice to the petitioners. Thereafter, after receiving the notice, the petitioners herein were represented by their counsel. Petitioners raised various grounds and after considering all the grounds, the Joint Collector considered the question whether the land in possession of the petitioners in survey No.7/2 of Khajaguda is a patta land or Government land. Placing reliance on the Faisalpatti, the Joint Collector came to the conclusion that the land in question was assigned under Laoni Rules, 1958, and therefore, it is a Government land. Accordingly, the revision petition of the petitioners was dismissed.

While the matter was pending before the Joint Collector, the petitioners also filed a suit, being O.S.No.202 of 2006, in March 2006, on the file of the Court of the II Additional District Judge, Ranga Reddy District. The same is pending. Therefore, the petitioners contend that it was improper for the Joint Collector to have passed the orders while the suit for declaration of title is pending before the civil Court. The same submission is reiterated by the learned counsel for the petitioners, which is refuted by the learned Assistant Government Pleader for Revenue (Assignment).

As seen from the above narration, action was initiated under the provisions of the Act for resumption of the land on the ground that the petitioners purchased the land in violation of the provisions of Section 3(2) of the Act. As the land is claimed to be the Government land, it was initially assigned to one Utkuri Balaiah (as noticed by the Joint Collector), the petitioners were right in approaching the civil Court for declaration of title. The pendency of this suit by itself cannot be a bar for exercise of jurisdiction of Section 4B of the Act, especially when this Court issued a Mandamus commanding the Joint Collector to re-hear the revision petition afresh. In that view of the matter, this Court does not find any infirmity in the order. However, this Court hastens to add that the petitioners have already approached the civil Court for declaration of title, any observation made by the Joint Collector should necessarily abide by the decree that may be passed by the civil Court. The learned counsel, therefore, requests this court to direct the civil Court for expeditious disposal of the suit.

The writ petition is dismissed subject to the above observations. The learned II Additional District Judge, Ranga Reddy District, shall dispose of the suit within a period of six months after filing of the written statement by the contesting defendants. No costs.

(V.V.S.RAO,J)

26.06.2006.
pln